

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,249,316
DATED : June 19, 2001
INVENTOR(S) : Eric C. Anderson

It is certified that error appears in the above-identified patent and that said Letters Patent
is hereby corrected as shown below:

Claim 7, Column 9

Lines 30-34, change

“(f) assigning an unmark function to one of the function keys, such that in response to the
user pressing the assigned unmark function key, the mark number is removed from the
image currently selected is unmarked.”

to

--(d) assigning an unmark function to one of the function keys, such that in response to the
user pressing the assigned unmark function key, the image currently selected is
unmarked.--

MAILING ADDRESS OF SENDER:

Withrow & Terranova, P.L.L.C.
100 Regency Forest Drive, Suite 160
Cary, NC 27518

PATENT NO. 6,249,316

No. of additional copies



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eric C. Anderson

Serial No. 08/702,286

Filed: 08/23/1996

Patent No. 6,249,316

Issued: 6/19/2001

For: **METHOD AND SYSTEM FOR CREATING A TEMPORARY GROUP OF
IMAGES ON A DIGITAL CAMERA**

Examiner: Wendy Rae Garber

Art Unit: 2612

Attn. Certificate of Corrections Branch

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

SUBMISSION OF CERTIFICATE OF CORRECTION
UNDER 37 C.F.R. § 1.322 AND 37 C.F.R. 1.323

The Applicant herein files a Certificate of Correction to correct a typographical error in the claims of U.S. Patent No. 6,249,316. The Applicant encloses a payment in the amount of \$100.00 to cover the fee associated with this Certificate of Correction. If any additional fees are required in association with this submission, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

REMARKS

The Applicant herein files a Certificate of Correction to correct claim 7 of U.S. Patent No. 6,249,316 to *Anderson* (hereinafter "*Anderson*"), issued June 19, 2001.

Upon review of the claims of *Anderson*, the Applicant discovered a typographical error. Namely, claim 7 should be corrected to change "(f) assigning an unmark function to one of the function keys, such that in response to the user pressing the assigned unmark function key, the mark number is removed from the image currently selected is unmarked" to "(d) assigning an unmark function to one of the function keys, such that in response to the user pressing the assigned unmark function key, the image currently selected is unmarked" at column 9, lines 30-34.

The Applicant submits that the error occurred through mistakes made by the Patent Office and the Applicant. More specifically, in an amendment filed on October 19, 1998, attached as Appendix A, at page 5, the Applicant amended claim 7 of *Anderson* as follows:

“(d) assigning an unmark function to one of the function keys, such that in response to the user pressing the assigned unmark function key, [the mark number is removed from] the image [cell] currently [highlighted] selected is unmarked.”

To the best of the Applicant's knowledge, this amendment was entered.

However, in an amendment subsequently filed on November 10, 1999, attached as Appendix B, at page 4 further amendments were made to claim 7 of *Anderson* as follows:

“[(d)] (f) assigning an unmark function to one of the function keys, such that in response to the user pressing the assigned unmark function key, the mark number is removed from the image currently selected is unmarked.”

The amendment to claim 7 in the response filed on November 10, 1999 was entered and, when *Anderson* ultimately issued, this amendment was reflected in the issued patent. The Applicant submits that the error in *Anderson* occurred as a result of mistakes by both the Patent Office and the Applicant. In particular, as mentioned above, the amendment filed on October 19, 1998 was entered. However, when the Applicant subsequently filed the amendment dated November 10, 1999, this amendment included language in claim 7 that was inconsistent with the amendment filed on October 19, 1998. The Applicant submits that the Patent Office did not address this inconsistency and this resulted in a mistake on behalf of the Patent Office. Nevertheless, the Applicant submits that the error also occurred on the part of the Applicant. Specifically, the Applicant provided an erroneous claim in the amendment filed on November

10, 1999. In light of this fact, the Applicant encloses a payment in the amount of \$100.00 to cover the fee associated with this certificate of correction.

The Applicant respectfully requests correction of claim 7 of U.S. Patent No. 6,249,316.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Anthony J. Josephson
Registration No. 45,742
100 Regency Forest Drive, Suite 160
Cary, NC 27518
Telephone: (919) 238-2300

Date: January 5, 2009
Attorney Docket: 1104-283

Appendix A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: October 19, 1998

Anderson

Serial No.: 08/702,206

Group Art Unit: 2712

Filed: August 23, 1996

Examiner: Harrington, A.

For: A METHOD AND SYSTEM FOR GROUPING IMAGES IN A
DIGITAL CAMERA

Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDMENT A

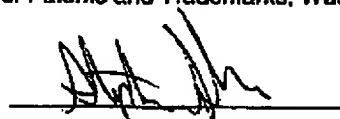
Sir:

In response to the Office Action dated June 18, 1998, please enter the following amendments and remarks into the above-identified Application:

IN THE SPECIFICATION

Page 5, line 16, delete "A digital camera architecture has been disclosed in co-pending U.S. Patent Application Serial No. _____, entitled "A System And Method For Using A Unified Memory Architecture To Implement A Digital Camera Device.," filed on _____, 1996, and assigned to the Assignee of the present application. The Applicant hereby incorporates the co-pending application by reference, and reproduces portions of that application herein with reference to FIGS. 1-3 for convenience."

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 10/19/98.



Stephen G. Sullivan

Page 6, line 18, delete "U.S. Patent Application Serial No. 08/355,031, entitled "A System and Method For Generating a Contrast Overlay as a Focus Assist for an Imaging Device," filed on December 13, 1994, is incorporated herein by reference and provides a detailed discussion of the preferred elements of imaging device 114. Briefly," and replace with --In operation,--

Page 11, line 8, delete "as disclosed in Co-pending Application Serial No. _____, entitled "A Method and System for Reviewing and Navigating Among Images On An Image Capture Unit," which is herein incorporated by reference"

Page 12, line 6, after "second" insert --level--

Page 12, line 7, after "third" insert --level--

Page 13, line 6, delete "RAM 350" and replace with --DRAM 346--

Page 16, line 9, delete "528" and replace with --514--

IN THE CLAIMS

1. (Amended) A method for grouping a series of images stored in a digital camera, the digital camera including a view finder for displaying [a plurality of the image cells, where each of the image cells corresponds to one of] the stored images, a navigation control button for [positioning a highlight area around] selecting one of the [plurality of image cells] stored images, and one or more function keys, the method comprising the steps of:

(a) assigning a mark function to one of the function keys, such that in response to [the] a user pressing the assigned mark function key, the image [cell] currently [highlighted] selected is marked to provide a marked image;

(b) repeating step (a) to create a temporary group of marked images; and

(c) assigning at least one group function to one of the function keys, such that in response to [a] the user pressing the assigned group function key, the group of marked images is collectively manipulated by the user.

2. A method as in claim 1 wherein step (c) further includes the step of:

(c1) providing a view function as the at least one group function, such that in response to a user pressing the assigned view function key, each of the marked images is displayed sequentially in the view finder without manual intervention.

3. A method as in claim 1 wherein step (c) further includes the step of:

(c1) providing a save function as the at least one group function, such that in response to a user pressing the assigned save function key, a permanent group of images is created by saving each of the marked images in a folder.

4. A method as in claim 1 wherein step (c) further includes the step of:

(c1) providing a slide show function as the at least one group function, such that in response to a user pressing the assigned slide show function key, a permanent group of images is created by saving each of the marked images in a file.

5. (Amended) A method as in claim 1 wherein step (c) further includes the step of:

(c1) providing a duplicate function as the at least one group function, such that in response to a user pressing the assigned duplicate function key, each of the marked images are duplicated, and if no images have been marked, then the image [cell] currently [highlighted] selected is duplicated.

6. (Amended) A method as in claim 1 wherein step (c) further includes the step of:

(c1) providing a delete function as the at least one group function, such that in response to a user pressing the assigned delete function key, each of the marked images is deleted, and if no images have been marked, then the image [cell] currently [highlighted] selected is deleted.

7. (Amended) A method as in claim 1 further including the step of:

(d) assigning an unmark function to one of the function keys, such that in response to the user pressing the assigned unmark function key, [the mark number is removed from] the image [cell] currently [highlighted] selected is unmarked.

8. (Amended) A method for grouping a series of images stored in a digital camera, the digital camera including a navigation control button, one or more function keys, and a view finder for displaying stored images [a plurality of image cells, where each of the image cells corresponds to one of the stored images], the method comprising the steps of:

(a) selecting [positioning a highlight on] one of the stored images [plurality of image cells] in response to a user pressing a navigation control button;

(b) enabling [prompting] the user to mark the [highlighted] selected image [cell] using a corresponding function key;

(c) displaying a mark indication [in the highlighted] on the selected image [cell] in response to the user pressing the corresponding function key;

(d) repeating steps (a) through (c) to provide a temporary group of marked images.

9. A method as in claim 8 wherein step (c) further includes the step of:

(c1) providing a mark number as the mark indication.

10. (Amended) A method as in claim 8 further including [9 wherein step (c) further includes] the steps of:

(e) [(c1)] enabling [prompting] the user to select one of the functions of saving the group, deleting the group, and creating a slide show from the group using corresponding function keys; and

(f) [(c2)] saving the group, deleting the group, and creating a slide show from the group in response to the user pressing the appropriate function keys.

11. (Amended) A method as in claim 10 further including the steps [wherein step (c) further includes the step] of:

(g) [(c3)] prompting the user to unmark the [highlighted] selected image [cell] using a corresponding function key; and

(h) [(c4)] removing the mark indication from the selected image [number in the highlighted image cell] in response to the user pressing the corresponding function key.

12. (Amended) A method as in claim 11 wherein step (a) further includes the step of:

(a1) prompting the user to duplicate the [highlighted] selected image [cell] using a corresponding function key; and

(a2) duplicating the [highlighted] selected image [cell] in response to the user pressing the corresponding function key.

13. A digital camera device comprising:

a memory device coupled to said digital camera device for storing sets of image data;

a memory manager for allocating storage locations within said memory device to store said sets of image data;

an interface coupled to said memory device whereby an external host computer can access said sets of image data stored in said memory device;

a user interface for displaying a plurality of images [image cells] corresponding to the image data, the user interface including a plurality of function keys [buttons], and [means527highlight] means to select one of the plurality of images [image cells];

means coupled to the memory manager for assigning a mark function to one of the function keys, such that in response to the user pressing the assigned mark function key, the selected image is marked, [a mark number is displayed in the highlighted image cell] such that in response to the user repeatedly selecting [highlighting] images [cells] and pressing the assigned mark function key, a temporary group of marked images is created; and

means coupled to the memory manager for assigning at least one group function to one of the function keys, such that in response to a user pressing the assigned group function key, the group of marked images is collectively manipulated by the user.

REMARKS

This amendment is responsive to the Office Action dated June 18, 1998, the deadline for which has been extended for one month by petition. Claims 1-13 are pending in the present application. Claims 1, 5-8, and 10-13 have been amended. Claims 1-13 remain pending.

Applicant's Attorney thanks Examiner Harrington for the Interview on October 7, 1988. The amendments and remainder of the remarks incorporate the substance of the interview.

The specification has been amended to correct various informalities, and to cancel incorporation by references to non-essential information pursuant to MPEP 608.01(P). It is submitted no new matter has been introduced in the specification. Claims 7, 9-11, and 13 have been amended to more clearly recite subject matter of the invention. The claims have also been amended to recite "selecting" "stored images", rather than "highlighting" "image cells", and to make clear the group created from the marking function is "temporary".

The present invention is directed to a method and system for grouping a series of images stored in a digital camera that improves how images are manipulated in the digital camera. As stated in the Background of the Invention, prior to the present invention, conventional digital cameras restricted how captured images were manipulated by a user. For example, in order to display a series of images on the LCD of the camera, the user had to manually depress a button on the camera to trigger the display the first image, depress the button again to display the next image, and so on for the entire sequence of images. Manual intervention by the user was also necessary when performing other

operations on the captured images, such as deleting images from the digital camera. Forcing users to manually select individual images for each operation desired in this manner is cumbersome and tedious to the user.

The present invention overcomes this problem by providing a digital camera interface that includes a "mark" function for allowing a user mark a series of selected images to create a temporary group of images. After marking the selected images, the user may perform functions on the group, such as deleting the group, or transforming the temporary group into a permanent group of images. This is contrast to conventional digital cameras in which operations had to be performed on a single image at time.

In a preferred embodiment, the functions that can be applied to the group are provided using soft keys, which are programmable buttons that change function according to the state of the camera.

Claims 1-3, 6-11, and 13 were rejected under 35 U.S.C. 103(a) as being anticipated by Parulski et al. (US Patent 5,633,678) (hereinafter "Parulski") in view of Lee (US 5,635,984) further in view of Takeda et al. (US 6,682,207). The Examiner stated:

Regarding claim 1, Parulski et al discloses an electronic camera which captures and assigns a tag (claimed "mark") to a plurality of images taken (column 2, lines 1-5). Once all the images are tagged (claimed "repeating step (a)"), the images are saved (claimed "one group function") to the storage (column 2, lines 58-65) ... Although Parulski et al.'s system uses a "pre-capture tag system" for saving images, it would have been obvious to use a "post-captured tag" system, since it is known in the art to use such a system.

Applicant respectfully disagrees. In contrast to the present invention, Parulski discloses an electronic still camera that provides the user with the ability

to categorize still digital images according to subject matter before capturing the images (Col. 2, lines 32-36). Parulski teaches "tagging images" both pre- and post-capture, but both cameras taught by Parulski are designed to be used with a host computer. Parulski's post-capture tagging system is described as:

"[A] digital camera tethered by a cable to a separate digital storage unit ... similar to the *computer 4* of FIG. 1 contained a keyboard for manipulating the images ... the system included a 'tag' feature that allowed a user to flag selected images for later display or uploading. (Col. 1 line 65+)

Both cameras allowed a simple division of already-captured into "tagged" and "not tagged" images and *required a pattern of keystrokes* subsequent to capture for every image of interest handling. (Col. 2, lines 17-20) (Emphasis added)

Parulski's post-capture tagging system is described as:

[A] digital camera includes a display-based 'tag' icon/feature which the user can set to an appropriate category before taking a group of pictures. When the user selects a particular category, the category name is stored along with the image data in the image file ... When downloading the images to a *host computer*, the user can select a category to download and the images can be stored in folders labeled with each category name (Col 2, lines 51-65).

In contrast, the claims of the present invention are directed to group manipulation of images on a *digital camera*, rather than a computer. For this reason, it is respectfully submitted that Parulski would fail to render the present invention obvious. The problem faced by the inventor in the present application was how to enable a non computer-literate user of a digital camera a way to manipulate images as group, rather than one at a time, on a device lacking standard user interface tools, such as a keyboard. Examples of such group manipulation include deleting each image in the group, saving each image in the either into the same directory, or in the same file to create a slide show, duplicate

each image in group, or view each image in the group based on some criteria, such as date and time.

It is respectfully submitted that Parulski teaches away from providing such complex group image manipulation on a digital camera by expressly stating "the tagging feature functioned more as a "post-capture data gatekeeper" than as a useful tool for image handling. *Anything more complex in the way of data organization requires ... the use of a special application program in the host computer to organize and sort the image data (Col. 2, lines 20-25) (emphasis added).*

It is submitted that marking individual images and performing an operation on the group without user intervention is more complex than categorizing the images. Thus, Parulski teaches that such group manipulation would require a host computer. Parulski's teaching away from the present invention is evident from the fact that Parulski fails to teach or suggest "providing the digital camera with "one or more function keys", and "assigning a mark function to one of the function keys...and assigning at least one group function to one of the function keys", as recited in the independent claims 1, 8 and 13. Rather, as stated previously, Parulski teaches that such a combination of features could not be done on the camera itself, but would require a host computer.

Moreover, even if Parulski's categorization were implemented without the use of a host computer, Parulski's categorization would still fail to teach or suggest the marking capability of the present invention due to differences between categorization and marking.

One difference is that Parulski's category information are stored permanently with the image data. In the present invention, by contrast, repeatedly marking images creates a "temporary group of marked images". No record that an image has been marked is kept with the image, thus reducing storage requirements.

Another difference between Parulski's categorization and marking is that categories inherently relate images by subject matter. This is a too restrictive approach for performing group manipulation functions because a user may want to perform a function on a group of images that have no relation what so ever. For example, a user may want to delete, save, or play the group of disparate images. Marking provides such functionality, while subject-based categorization does not.

The difference between marking and categorization can best be illustrated by the following example. In the future, digital cameras will be equipped with mass storage devices capable of storing hundreds or thousands of images. With that many images, users may use Parulski's invention to place the images into many different categories for quick searching capability. Now assume the use would like to display or delete all the images from 20 of the different categories. Using prior art techniques, the user would have to select the first category and press delete, select the second category and press delete, and so on 18 more times. The claims of the present invention solve the problem directly. The user would select each category and press the "mark" key to create a temporary group of categories, and then press the delete key to delete the group.

Thus, Parulski in combination with the other references would still suffer the drawback that the present invention eliminates; creating a temporary group of images in a digital camera for collective manipulation by the user.

In view of the foregoing, it is submitted that independent claims 1, 8 and 13 are allowable over the cited references. Because the secondary references stand or fall with the primary references, claims 2-7 and 9-12 are allowable because they are dependent upon the allowable independent claims. Accordingly, Applicant respectfully requests reconsideration and passage to issue of claims 1-13 as now presented.

Applicants' attorney believes that this Application is in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen G. Sullivan", written over a horizontal line.

Stephen G. Sullivan
Attorney for Applicants
Reg. No. 38,329
(408) 795-4925

Appendix B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: November 10, 1999

Anderson

Serial No.: 08/702,286

Group Art Unit: 2712

Filed: August 23, 1996

Examiner: Harrington, A.

For: A METHOD AND SYSTEM FOR GROUPING IMAGES IN A DIGITAL
CAMERA

Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDMENT C

Sir:

In response to the Office Action dated October 1, 1999, please enter the following
amendments and remarks into the above-identified Application:

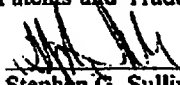
IN THE TITLE

Please replace the title with --METHOD AND SYSTEM FOR CREATING A
TEMPORARY GROUP OF IMAGES ON A DIGITAL CAMERA--

IN THE CLAIMS

1. (Three Times Amended) A method for grouping a series of images stored in a
digital camera, the digital camera including a view finder for displaying the stored images, a

I hereby certify that this correspondence is being deposited with the United States Postal Service as First
Class Mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, on
November 10, 1999.


Stephen G. Sullivan

navigation control button [for selecting one of the stored images], and one or more function keys, the method comprising the steps of:

(a) allowing a user to navigate among the displayed images using the navigation control button;

(b) allowing the user to randomly select one of the displayed images;

[(a)] (c) assigning a mark function to one of the function keys, such that in response to a user pressing the assigned mark function key, the image currently selected is marked to provide a marked image;

[(b)] (d) repeating [step (a)] steps (a) through (c) to create a temporary group of marked images[, wherein mark information is not stored with the images]; and

[(c)] (e) assigning at least one group function to one of the function keys, such that in response to the user pressing the assigned group function key, the group of marked images is collectively manipulated by the user within the digital camera.

2. (Once Amended) A method as in claim 1 wherein step [(c)] (e) further includes the step of:

[(c1)] (e1) providing a view function as the at least one group function, such that in response to a user pressing the assigned view function key, each of the marked images is displayed sequentially in the view finder without manual intervention.

3. (Once Amended) A method as in claim 1 wherein step [(c)] (e) further includes the step of:

[(c1)] (e1) providing a save function as the at least one group function, such that in response to a user pressing the assigned save function key, a permanent group of images is created by saving each of the marked images in a folder.

4. (Once Amended) A method as in claim 1 wherein step [(c)] (e) further includes the step of:

[(c1)] (e1) providing a slide show function as the at least one group function, such that in response to a user pressing the assigned slide show function key, a permanent group of images is created by saving each of the marked images in a file.

5. (Twice Amended) A method as in claim 1 wherein step [(c)] (e) further includes the step of:

[(c1)] (e1) providing a duplicate function as the at least one group function, such that in response to a user pressing the assigned duplicate function key, each of the marked images are duplicated, and if no images have been marked, then the image currently selected is duplicated.

6. (Twice Amended) A method as in claim 1 wherein step [(c)] (e) further includes the step of:

[(c1)] (e1) providing a delete function as the at least one group function, such that in response to a user pressing the assigned delete function key, each of the marked images is deleted, and if no images have been marked, then the image currently selected is deleted.

7. (Twice Amended) A method as in claim 1 further including the step of:

[(d)] (f) assigning an unmark function to one of the function keys, such that in response to the user pressing the assigned unmark function key, the mark number is removed from the image currently selected is unmarked.

8. (Three Times Amended) A method for grouping a series of images stored in a digital camera, the digital camera including a navigation control button, one or more function keys, and a view finder for displaying stored images, the method comprising the steps of:

(a) allowing a user to navigate among the displayed images using the navigation control button;

(b) allowing the user to randomly select one of the displayed images;

[(a) selecting one of the stored images in response to a user pressing a navigation control button;]

[(b)] (c) enabling the user to mark the selected image using a corresponding function key;

[(c)] (d) displaying a mark indication on the selected image in response to the user pressing the corresponding function key; [and]

[(d)] (e) repeating steps (a) through [(c)] (d) to provide a temporary group of marked images[, wherein mark information is not stored with the images];

[(e)] (f) enabling the user to select one of the functions of saving the group, deleting the group, and creating a slide show from the group using a corresponding function key; and

[(f)] (g) saving the group, deleting the group, and creating a slide show from the group in response to the user pressing the appropriate function key.

9. (Twice Amended) A method as in claim 8 wherein step [(c)] (d) further includes the step of:

[(c1)] (d1) providing a mark number as the mark indication.

11. (Three Times Amended) A method as in claim 9 further including the steps of:

[(g)] (h) [prompting] allowing the user to unmark the selected image using a corresponding function key; and

[(h)] (i) removing the mark indication from the selected image in response to the user pressing the corresponding function key.

12. (Twice Amended) A method as in claim 11 wherein step (a) further includes the step of:

[(a1)] (b1) prompting the user to duplicate the selected image using a corresponding function key; and

[(a2)] (b2) duplicating the selected image in response to the user pressing the corresponding function key.

13. (Three Times Amended) A digital camera device comprising:

a memory device [coupled to said digital camera device] for storing sets of image data;

a memory manager for allocating storage locations within said memory device to store said sets of image data;

an interface coupled to said memory device whereby an external host computer can access said sets of image data stored in said memory device;

a user interface for displaying a plurality of images corresponding to the image data, the user interface including a plurality of function keys, and means to navigate among and randomly select one of the plurality of images;

means coupled to the memory manager for assigning a mark function to one of the function keys, such that in response to the user pressing the assigned mark function key, the selected image is marked, such that in response to the user repeatedly selecting images and pressing the assigned mark function key, a temporary group of marked images is created[, wherein mark information is not stored with the images]; and

means coupled to the memory manager for assigning at least one group function to one of the function keys, such that in response to a user pressing the assigned group function key, the group of marked images is collectively manipulated by the user, within the digital camera.

REMARKS

Claims 1-9 and 11-13 are pending in the present application. Claims 1-9, and 11-13 have been amended. Claims 1-9 and 11-13 remain pending. Applicant's Attorney thanks Examiner Harrington for the Interview on October 18, 1999. The amendments and remainder of the remarks incorporate the substance of the interview.

The title has been changed to more clearly describe the present invention.

Independent claims 1, 8, and 13 have been amended to more clearly recite subject matter of the invention. The claims now include recitations for allowing a user navigates among the displayed images using the navigation control button and for allowing the user to randomly select one of the images to mark. Support for the amendments may be found throughout the Specification (e.g., page 15, line 15 and page 18, lines 12-14). References to not storing the mark information with the images have been cancelled.

The present invention provides a digital camera interface that includes a "mark" function for allowing a user to mark randomly chosen images to create a temporary group of images for collective manipulation. After marking the selected images, the user may perform functions on the group, such as deleting the group, or transforming the temporary group into a permanent group of images. This is contrast to conventional digital cameras in which operations *within the digital camera* had to be performed on a single image at time.

In the Office Action, the Examiner maintained the rejection of claims 1-3, 6-9, 11 and 13 under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US Patent 5,633,678) (hereinafter "Parulski") in view of Steinberg (US 5,862,218), further in view of Nakano (US 5,043,816).

It is respectfully submitted that in maintaining the rejection, the Examiner failed to address Applicant's amendments made in response the previous Office Action. More specifically, the Examiner failed to address the amendment made to the independent claims that a group of marked images is collectively manipulated by the *user within the digital camera*.

As stated in the previous amendment, the present invention enables a user of a digital camera a method of manipulating images within the camera as group, rather than one at a time, on a device lacking standard user interface tools, such as a keyboard. Examples of such group manipulation include deleting each image in the group, saving each image in the group into the same directory, or in the same file to create a slide show, duplicate each image in group, or automatically viewing each image in the group.

In contrast, both Parulski and Steinberg teach cameras that must be used with a host computer. It is respectfully submitted, therefore, that the references teach away from providing such complex group image manipulation within a digital camera.

Parulski teaches a camera that provides the user with the ability to categorize still digital images according to subject matter by tagging images. When the images are subsequently downloaded to the host computer, the user can select a particular category and download only the images which have a particular category identifier or the images can all be downloaded and stored in file folders labeled with each category name" (Col. 5, lines 3-8).

The Examiner contends that Parulski teaches group manipulation through marking, arguing that Parulski's "tagging" is the same as "marking," and that downloading a category of images is the same as a saving a group of marked images.

It is respectfully submitted that Parulski fails to render the claims of the present obvious for a variety of reasons. First, categorizing images does not perform the same function as

marking images. As pointed out in prior Amendments, Parulski's categorization inherently relates images by subject matter. This is a too restrictive approach for performing group manipulation functions as claimed in the present invention because a user may want to perform a function on a group of images that have no relation what so ever. For example, a user may want to delete, save, or play a random group of images that are from disparate categories. Marking provides such functionality, while subject-based categorization does not.

Even if Parulski's categorization was considered analogous to marking, Parulski fails to teach a categorization/marketing function for group manipulation that is performed entirely "within the digital camera." First, in order to categorize images, Parulski requires that category names be entered on a host computer and then downloaded into the camera. The claimed "mark function," in contrast, requires no such host computer interaction.

Second, Parulski may teach a save category function, but once again the category or group of images is not saved within the digital camera, as recited in the claims of the present invention. Instead, Parulski's images are downloaded and saved on the host computer. By requiring a host computer, Parulski expressly teaches away from group manipulation of images within the camera, such as "duplicating" a group of images or saving the group of images as a new group, such as "slideshow," as recited in the dependent claims.

Steinberg fails to remedy the lack of teachings or suggestions of Parulski. Steinberg provides a method for verifying the authenticity of an image captured by a digital camera. However, the primary purpose of Steinberg, image authentication, is not performed "within the camera," as claimed, but must be done on the host computer after image acquisition and marking. Steinberg also teaches that the image marking is performed automatically by the camera during

image acquisition, rather than "randomly" by the user after images have been captured, as recited in the amended independent claims.

In addition to failing to teach group manipulation "within the camera," the references also fail to teach or suggest "allowing a user to navigate among the displayed images," and for "allowing the user to randomly select one of the displayed images" for marking to create a temporary group of images, as recited in the amended independent claims.


The references also fail to teach or suggest "providing the digital camera with "one or more function keys", and "assigning a mark function to one of the function keys...and assigning at least one group function to one of the function keys", as recited in the independent claims 1, 8 and 13. Rather, Parulski teaches that such complex functions would require the use of a host computer and could not be done on the camera itself.

Thus, Parulski in combination with the other references would still suffer the drawback that the present invention eliminates; creating a temporary group of images in a digital camera for collective manipulation by the user within the digital camera.

In view of the foregoing, it is submitted that independent claims 1, 8 and 13 are allowable over the cited references. Because the secondary references stand or fall with the primary references, claims 2-7 and 9, 11, and 12 are allowable because they are dependent upon the allowable independent claims. Accordingly, Applicant respectfully requests reconsideration and passage to issue of claims 1-9 and 11-13 as now presented.

Applicants' attorney believes that this Application is in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,



Stephen G. Sullivan
Sawyer & Associates
Attorney for Applicants
Reg. No. 38,329
(650) 493-4540